

REMARKS

Reconsideration of the above-identified patent application is respectfully requested.

Claims 86-138 are pending in this application. Claims 86-102 stand rejected under 35 U.S.C. § 101 as being as being directed to non-statutory subject matter. Claims 86-95, 98-102, 114-119, 122-131, and 134-138 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,636,122 to Shah et al. (Shah) in view of U.S. Patent Application Publication No. 2003/0233190 A1 to Jones (Jones). Claims 96-97, 120-121, and 132-133 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah in view of Jones and further in view of U.S. Patent No. 6,430,496 B1 to Smith et al. (Smith). Claims 87, 89-93, 98-99, 101, 104-105, 107-108, 110-112, 114-138 have been cancelled. Claims 86, 88, 94-97, 100, 102-103, 106, 109, and 113 have been amended.

In regard to independent claim 86, this claim has been amended to recite "receiving a vehicle identification number of the vehicle." It should be appreciated that the "vehicle identification number" (VIN) of a vehicle is a unique number assigned to the vehicle during the manufacturing process of the vehicle. That is, unlike a package identification number assigned to a package by a common package delivery company, the VIN of a vehicle is a number that uniquely identifies that particular vehicle and is generated by the manufacturer of the vehicle. Additionally, the VIN of the vehicle is formed from individual alpha-numeric codes, portions of which may be used to identify the color, make, and options of the vehicle. In this way, the VIN of the vehicle may be used to identify the vehicle based not only on a unique serial number assigned to the vehicle, but also on a number of attributes of the vehicle itself (e.g., color, make, model, etc.). A VIN is, therefore, dissimilar to a typical package identification number because a package identification number does not uniquely identify a package, cannot be used to identify the package for the initial pick-up because it is generated by the package delivery company rather than the customer, and cannot be used to verify the identification of the package based on attributes of the package itself. Accordingly, the use of a VIN to identify a vehicle or verify the

identification of a vehicle requires considerations different from the use of a package identification number.

Amended claim 86 also requires the use of two computers to manage the delivery of the vehicle. The first computer is used to receive the initial order data including the vehicle identification number. Such data is transmitted to a second computer that is used to assign the vehicle, which is uniquely identified by the VIN, to a driver. The second computer is subsequently updated once the vehicle has been moved. None of the references cited by the Examiner discloses such a method. Accordingly, for at least the reasons provided above, claim 86 is believed to be allowable.

In regard to independent claim 103, this claim has been amended to recite "determining if the vehicle is at the correct automobile auction facility based on the vehicle identification number." As such, all of the arguments provided above in regard to identifying a vehicle based on the VIN of the vehicle apply with equal force to claim 103. In addition, claim 103 clarifies the claimed invention as related to the delivery of vehicles to an automobile auction facility, which includes unique considerations (e.g., determining if vehicle is at the correct auction facility) not addressed in any of the references cited by the Examiner. The amended claim 103 also includes the element of "updating a vehicle database identifying vehicles for sale with the vehicle identification number." Each of the references cited by the Examiner fails to disclose such a method step. For at least the reasons provided above, amended claim 103 is believed to be allowable.

Accordingly, for at least the reasons discussed above, claims 86 and 103, as amended, are believed to be allowable. Because claims 88, 94-97, 100, and 102 depend from claim 86 and claims 106, 109, and 113 depend from claim 103, these claims are also believed to be allowable. As such claims 86, 88, 94-97, 100, 102-103, 106, 109, and 113 are believed to be in condition for allowance, and such action is solicited. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 with reference to file 20407-67855.

Respectfully submitted,

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